

Decision **PROPOSED DECISION OF COMMISSIONER WOOD**  
**(Mailed 5/20/04)**

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Investigation for the purpose of establishing a list for the fiscal years 2004-2005 and 2005-2006 of existing and proposed crossings at grade of city streets, county roads or state highways in need of separation, or projects affecting the elimination of grade crossings by removal or relocation of streets or railroad tracks, or existing separations in need of alterations or reconstruction in accordance with Section 2452 of the Streets and Highways Code.

Investigation 03-07-009  
(Filed July 10, 2003)

**(See Appendix A for List of Appearances.)**

**INTERIM OPINION ESTABLISHING PRIORITY LIST  
FOR 2004 – 2005 FISCAL YEAR**

**Summary**

This Interim Order adopts the California Grade Separation Priority List for Fiscal Year 2004-2005, as required by Streets and Highways Code Section 2452. We order Investigation 03-07-009 to remain open until we issue our final order adopting the Grade Separation Priority List for Fiscal Year 2005 – 2006.

**Background and Procedural History**

We initiated this proceeding on July 10, 2003, to create the State's Grade Separation Program Priority List for Fiscal Years 2004-2005 and 2005-2006. The list, which is created anew in alternate years, establishes the relative priorities for

funding qualified projects to eliminate or alter hazardous railroad crossings under the Program. Projects for construction of new grade separations, alteration of existing grade separations, or elimination of grade crossings by removal or relocation of streets or railroad tracks are included in the list.

Section 190 of the Streets and Highways Code requires the State's annual budget to include \$15 million for funding these projects. Section 2450 *et seq.* of the Code sets out the procedure for administering these funds, and Section 2453 gives the California Transportation Commission (CTC) responsibility for allocating (distributing) the funds to qualified projects. Section 2452 requires this Commission by July 1 of each year to establish the priority list for projects and furnish it to the CTC for use in the fiscal year beginning on that date. Our procedure is to promulgate the list for the first fiscal year by issuing an interim decision, and then to revise the list for the second year by deleting projects for which funds were actually allocated in the first. We adopt the revised list by final decision in the second year of the proceeding, and begin the funding cycle again the following year by instituting a new proceeding.

To initiate the cycle for the current biennial proceeding the Commission's Consumer Protection & Safety Division (CPSD or Staff) mailed written notification to railroads, light rail transit agencies, cities, counties, and other interested parties on May 6, 2003, notifying them of the deadline to file a nomination for each grade separation project they sought to have us include in the current priority list.

We received a total of 58 timely nominations for projects to be included in the current priority list. After conducting site inspections for each nominated project, Staff produced a preliminary priority list using the methodology as required by Decision (D.) 00-08-020.

The assigned administrative law judge (ALJ) conducted a Prehearing Conference (PHC) in this matter on December 1, 2003 in Los Angeles, California. The purpose of the PHC was to establish a service list and delineate any issues that would be considered in the remainder of the proceeding. In addition, the ALJ directed any party wishing to raise any issues other than the Staff's proposed list of projects to provide written comments at the PHC indicating the nature of the issue. No party raised any additional issues.

### **Scoping Memorandum and Ruling**

Following the PHC, the assigned Commissioner issued a Scoping Memorandum and Ruling on January 28, 2004. The Scoping Ruling confirmed that the proceeding is categorized as quasi-legislative and that hearings would be held.

The Scoping Ruling limited the issues that would be considered in this proceeding and also provided a schedule for the proceeding. Finally, the ruling indicated that fact-finding hearings would be conducted by ALJ Henderson.

### **Hearings**

The ALJ held fact-finding hearings in Los Angeles on February 26 and 27, and in San Francisco on March 2 and 3, 2004.

In addition to Staff, 18 witnesses appeared offering nine exhibits providing information that needed to be corrected or was not available prior to the hearing. Staff considered the additional information and modified the Staff's proposed priority list (Exhibit 3) on March 23, 2004. The Staff properly applied the methodology outlined in D.00-08-020.

The record was closed and the proceeding was submitted on March 23, 2004 upon the service by CPSD of revisions to Exhibit 3. Exhibit 3 is received into the record of this proceeding.

**The Fiscal Year 2004–2005 Priority List**

The preliminary priority list was developed with the information submitted in the nominations before hearings were held. The principal function of the hearings was to correct errors and miscalculations when the formula was applied to that information. All nominating parties had a fair opportunity to make such corrections. The statutory procedure was correctly followed, and we will adopt without change the final list created by Staff.

**Comments on Proposed Decision**

The proposed decision in this matter is being mailed to the parties pursuant to Pub. Util. Code § 311 (d) and Rule 77.1 of the Rules of Practice and Procedure. As indicated in the decision, there is a statutory requirement for the commission to adopt the priority list no later than July 1, 2004. This will require that the normal 30 day comment period be reduced. CPSD staff has contacted the parties and pursuant to Section 311(d), all parties have stipulated to shortening the comment period. Therefore, comments on the proposed decision are due on June 3, 2004 and reply comments are due on June 8, 2004.

**Assignment of Proceeding**

Carl Wood is the Assigned Commissioner and Kenneth Henderson is the assigned ALJ in this proceeding.

**Findings of Fact**

1. Reasonable notice was afforded to all interested persons by mailing written notification to railroads, light rail transit agencies, cities, counties, and others on the service list compiled at the conclusion of the previous Grade Separation Priority List proceeding, advising them of the deadline to file a nomination for each grade separation project they desired to have us include in the current priority list.

2. The methodology utilized by Staff to rank the nominations for Fiscal Year 2004–2005 in priority order is that which we adopted in D.00-08-020.

3. In relying upon the adopted list CTC will be required to fully allocate funds first to the qualified project highest on the list, then to the next highest qualified project, and so forth, until all of the funds for the initial fiscal year are exhausted. Remaining qualified projects will be funded in the same manner for Fiscal Year 2005–2006, after deletion of the projects that received allocations in Fiscal Year 2004–2005.

4. The Grade Separation Priority List attached as the Appendix to the Order consists of projects that were timely nominated, properly supported with information that has been received for the record, and put in priority order by Staff in accordance with the methodology we have adopted for this proceeding.

### **Conclusions of Law**

1. Appendix B should be adopted by our Interim Order as the Fiscal Year 2004-2005 Grade Separation Priority List in this proceeding.

2. The effective date of the Interim Order must be no later than June 30, 2004, in order to satisfy the statutory deadline that applies to the current fiscal year.

3. This proceeding should remain open for the purpose of creating the Fiscal Year 2005–2006 Grade Separation Priority List.

### **INTERIM ORDER**

#### **IT IS ORDERED** that:

1. Pursuant to California Streets and Highways Code Section 2452 the Grade Separation Priority List attached as Appendix B hereto is established for Fiscal Year 2004–2005 as the list, in order of priority, of projects which the Commission determines to be most urgently in need of separation or alteration.

2. The Executive Director shall furnish a certified copy of this decision to the California Department of Transportation and the California Transportation Commission by not later than July 1, 2004.

3. This proceeding shall remain open for the purpose of creating the Fiscal Year 2005–2006 Grade Separation Priority List.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

# **Appendix A** **List of Service Lists** **Page 1**

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**Appendix A**  
**List of Service Lists**  
**Page 2**

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**Appendix A**  
**List of Service Lists**  
**Page 3**

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**Appendix A**  
**List of Service Lists**  
**Page 4**

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**List of Service Lists**  
**Page 5**

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**APPENDIX B – Priority List for Fiscal Years 2004-2005 and 2005-2006 By Rank****Page 1**

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TRN	LTRN	Cost Share	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/P OF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
1	City of Santa Fe Springs	Rosecrans Ave/ Marquardt Ave	2-157.8	027656A	BNSF	34211	133	0	5000	22	5	3	4	10.8	9	8	39.8	20970.1
2	City of Santa Fe Springs	Norwalk Blvd/ Los Nietos Rd	BBJ-497.28 & 2-153.1	027649P&027650J	BNSF	32754	165	0	10000	6	2	3	4	23.8	9	9	50.8	3833.9
3	City of Santa Fe Springs	Valley View Ave.	2-158.4	027657G	BNSF	33926	133	0	5000	3	2	3	4	11.4	9	12	41.4	3651.1
4	City of Riverside	Chicago Ave.	2B-8.1	026476Y	BNSF	11549	102	0	5000	8	3	3	4	11.2	3	3	27.2	2147.6
5	Los Angeles County DPW	Fairway Dr.	3-23.4	810883N	UPRR	32062	50	0	5000	5	1	2	5	9.5	4	10.5	32.0	1955.7
6	San Mateo County Transportation Authority	San Bruno Ave. (City of San Bruno)	105E-11.0 105E-11.1 105E-11.4	754869P 754870J 754871R	PCJPB	25365	88	0	5000	3	1	0	4	31.2	10	8	54.2	1839.9
7	City of Los Angeles	Valley Blvd...	B-485.8	746859N	UPRR	24566	57	0	5000	3	3	2	1	12.2	0	11	29.2	1149.4
8	City of Riverside	Mary St.	2B-13	026499F	BNSF	13248	81	0	5000	4	2	2	4	9.3	5	4	26.3	1099.3
9	San Mateo County Transportation Authority	South Linden Ave. (City of South San Francisco)	105E-10.2 105E-10.6	754866U 754867B	PCJPB	11594	88	0	5000	4	1	0	4	21.2	10	6	42.2	1062.5

**APPENDIX B – Priority List for Fiscal Years 2004-2005 and 2005-2006 By Rank****Page 2**

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TRN	LTRN	Cost Share	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/P OF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
10	San Bernardino Associated Governments	University Parkway	2-76.6	026106V	BNSF	16095	94	0	5000	2	4	3	4	11	1	8	31.0	938.8
11	Los Angeles County DPW	Nogales St.	3-22.4	811479J	UPRR	43678	50	0	5000	1	1	1	5	10.3	4	14	35.3	908.9
12	San Joaquin County	West Lane	D-92.8	752897L	UPRR	24715	28	0	5000	5	1	1	2	8.8	1	9.5	23.3	853.7
13	City of Irvine	Sand Canyon Ave	101OR-182.9	026765A	SCRRA	20480	63	0	5000	2	1	4	7	8	8	10	38.0	812.1
14	Los Angeles County DPW	El Segundo Blvd.	BBH-492.6 84L-10.4	747868R	UPRR/ LACMTA	16875	8	252	5000	5	2	1	2	12	10	12	39.0	711.3
15	City of Riverside	Iowa Ave.	2B-7.3	026472W	BNSF	15715	102	0	5000	1	4	3	4	10.2	3	4	28.2	669.4
16	City of Riverside	Columbia Ave.	2B-7.9	026475S	BNSF	10118	102	0	5000	2	3	3	4	7.4	3	4	24.4	643.6
17	City of Ontario	Miliken Ave.	B-525.4	746964P	UPRR	23333	33	0	5000	3	1	3	4	6	1	8	23.0	639.0

**APPENDIX B – Priority List for Fiscal Years 2004-2005 and 2005-2006 By Rank****Page 3**

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18	City of Camarillo	Las Posas-Upland Road	E-419.0	912013V	UPRR	17046	41	0	5000	3	1	3	4	7	4	6.5	25.5	584.6
19	Greater Bakersfield Separation of Grade District	Morning Drive	B-317.50	757413M	UPRR	13000	43	0	5000	4	1	3	4	9.68	0	4	21.7	580.7
20	City of Riverside	3rd Street	2B-9.5/3-57.9	026480N	BNSF/ UPRR	13340	102	0	5000	1	3	0	4	9.32	3	4	23.3	567.6
21	San Diego Association of Governments	Leucadia Blvd..	106-236.5	026827V	SDNR/ NCTD	13163	50	0	5000	3	1	2	6	7.1	7	4	27.1	553.6
22	San Mateo County Transportation Authority	Poplar Avenue (City of San Mateo)*	105E-17.2B 105E-17.3B 105E-17.4B 105E-17.5B	754896L 754897T 754898A 754899G	PCJPB	21394	88	0	5000	24	38	2	3.1	30	29	32	164.1	540.6
23	City of Riverside	Streeter Ave.	3-53.8	811008U	UPRR	12658	44	0	5000	3	3	1	4	12	4	8	32	477.6

# APPENDIX B – Priority List for Fiscal Years 2004-2005 and 2005-2006 By Rank

## Page 4

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TRN	LTRN	Cost Share	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/P OF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
24	City of Lathrop	Lathrop Rd.	D-82.1	752781K	UPRR	10497	24	0	5000	7	3	1	4	11	2	6	27.0	430.1
25	City of Riverside	Brockton Ave.	3-55.0	811010V	UPRR	14043	44	0	5000	2	2	2	4	9	4	5	26.0	396.7
26	Alameda Corridor-East Construction Authority	Brea Canyon Rd.	3-24.9	810886J	UPRR	17200	50	0	5000	1	1	2	5	9	3	5	25	369.0
27	City of Bakersfield	Baker-Truxtun-Beale	Consolidation 2-885.6 2- 885.75 2-885.77 2-885.95 2- 886.2 2-886.4	028281T 028283G 028284N 028285V 028288R 028289X	BNSF	24620	31	0	15448	5	2	3	0	57.9	0	6.5	69.4	365.8
28	City of Los Angeles	North Spring St.*	101VY-1.36A & 101EB- 481.48A	027606W&81 1042B	SCRRA	16863	89	0	5000	10	0	5	0.2	4	5	7	31.2	331.4
29	Los Angeles County DPW	Turnbull Cyn Rd.	3-17.2	810867E	UPRR/ SCRRA	14924	50	0	5000	1	3	1	5	10.6	10.6	5	28.6	327.0

**APPENDIX B – Priority List for Fiscal Years 2004-2005 and 2005-2006 By Rank****Page 5**

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TRN	LTRN	Cost Share	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/P OF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
30	City of Camarillo	Adolfo Rd.	E-417.9	753765E	UPRR	17019	41	0	5000	1	1	2	4	7	4	4	22.0	301.1
31	San Mateo County Transportation Authority	25th Ave. (City of San Mateo)	105E-19.7	754910E	PCJPB	13412	88	0	5000	0	1	1	5	11.2	10	5	33.2	269.3
32	City of Riverside	Riverside Ave.	3-55.6	811012J	UPRR	13680	44	0	5000	1	2	0	4	11.1	4	5	26.1	266.8
33	City of Los Angeles	North Main St.	101VY-1.17 & 101RI-481.7	027607D & 811040M	SCRRA	12628	89	0	5000	0	2	1	0	21.5	8	9	41.5	266.3
34	City of Riverside	Magnolia Ave.	3-55.2	811011C	UPRR	23418	44	0	5000	0	2	1	4	9.1	4	7	27.1	233.2
35	Los Angeles County DPW	Sierra Hwy/Barrel Springs Rd	101VY-65.58 & 101VY-65.77	750600W & 750644W	SCRRA	8507	23	0	5000	3	1	3	5	7.8	4	5	25.8	182.3



**APPENDIX B – Priority List for Fiscal Years 2004-2005 and 2005-2006 By Rank****Page 6**

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TRN	LTRN	Cost Share	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/P OF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
36	City of Pico Rivera	Passons Blvd & Serapis Ave.	2-151.45 & 2-151.3	027643Y & 027644F	BNSF	2604	125	0	10000	3	2	0	6	23.2	9	7	47.2	177.4
37	San Bernardino Associated Governments	Hunts Lane	B-541.0	747168J	UPRR	15766	48	0	5000	0	5	3	4	8	1	5	26.0	177.4
38	City of Fremont	Warren Ave.	DA-36.2 & 4G-6.7	750073E&833885S	UPRR/ VTA	9527	26	0	5000	2	2	1	1	13	0	6.5	23.5	172.1
39	City of Fremont	Paseo Padre Pkwy, High St, Main St, Washington Blvd	Consolidation DA-32.1&4G-2.6,SA-32.65,DA-32.7,DA-32.8&4G-3.2	750056N&833878G,750057V,750058C,750059J&833879N,	UPRR/ VTA	51959	12	0	5000	0	2	1	1	30.1	0	7.5	41.6	166.3
40	City of Bakersfield	El Toro Viejo	2-892.0	Proposed	BNSF	7575	49	0	2760	0	1	3	6	4	4	2	20.0	154.5
41	San Bernardino County	Lenwood Road	2-5.7	026062X	UPRR & BNSF	4490	99	0	10304	2	5	5	2	7.2	1	3	23.2	152.6

**APPENDIX B – Priority List for Fiscal Years 2004-2005 and 2005-2006 By Rank****Page 7**

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TRN	LTRN	Cost Share	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/P OF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
42	City of Encinitas	D & E Street	106-237.95 & 106-237.9	026830D & 026829J	NCTD	10940	50	0	20000	2	1	0	6	19	7	6	39.0	121.1
43	City of Riverside	Palm Ave.	3-54.8	811009B	UPRR	10754	44	0	5000	0	2	1	4	9	4	3	23	117.6
44	Kern County	Hageman Rd (2-895.2)	2-895.2	028376B	BNSF	9000	49	0	5000	0	1	5	6	8.7	4	4.5	29.2	117.4
45	Kern County	Olive Drive	B-308.9	756945M	UPRR	18700	22	0	5000	0	1	3	4	8.8	0	7	23.8	106.1
46	Los Angeles County DPW	Slauson Ave./Long Beach Ave-West	BBH-487.42&2H-2.83	747839F & 027952L	UPRR/ BNSF/ LACMTA	38286	8	0	5000	0	1	1	0	15	0	12	29	90.3
47	San Bernardino County	National Trails Hwy @Oro Grande*	2-30.6B	reconstruction	BNSF	6391	86	0	10268	6	8	0	5.2	3	8	6	36.2	89.7

**APPENDIX B – Priority List for Fiscal Years 2004-2005 and 2005-2006 By Rank****Page 8**

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TRN	LTRN	Cost Share	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/P OF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
48	San Bernardino County	Vista Road	2-22.0	026068N	UPRR & BNSF	2280	99	0	9760	1	2	5	2	7	1	2	19.0	65.3
49	Kern County	Snow Road	B-307.4	756948H	UPRR	7600	21	0	5000	0	1	5	4	8.0	0	7	25.0	56.9
50	San Bernardino County	Glen Helen Pkwy	BB-480.1 & 2-71.0	747017U & 026103A	UPRR & BNSF	2280	99	0	11905	0	5	5	2	11.7	1	0	24.7	43.7
51	King City	First St./ Bitterwater Rd.	E-163.4	752123M	UPRR	5702	9	0	5000	0	1	0	5	12.2	1	6.5	25.7	36.0
52	City of Bakersfield	Hageman Rd. (2-111.6)	2-116.6	Proposed	BNSF	15080	2	0	1530	0	1	5	0	2.2	0	5	13.2	32.9
54	City of Vista	Escondido Ave.	106E-10.1	027569W	SDNR/ NCTD	42526	1	0	5000	0	1	1	0	8.6	0	8	18.6	27.1
55	King City	Pearl Street	E-163.8	752121Y	UPRR	1023	9	0	5000	0	1	0	5	13	1	5	25.0	26.8

**APPENDIX B – Priority List for Fiscal Years 2004-2005 and 2005-2006 By Rank****Page 9**

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TRN	LTRN	Cost Share	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/P OF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
56	City of Vista	N. Melrose Dr.	106E-7.5	026993M	SDNR/ NCTD	27434	1	0	5000	0	1	3	0	9.0	0	7	20.0	25.4
57	Los Angeles County DPW	Flores Street	3A-9.7	Proposed	UPRR	11000	4	0	5000	0	1	1	0	5.08	0	3	10.08	18.9
58	City of Vista	Mar Vista Dr.	106E-11.2	027570R	SDNR/ NCTD	10120	1	0	5000	0	1	1	0	7.9	0	5	14.9	16.9

*Note: VEH- Vehicle, TRN – Train, LRT – Light Rail Trains, COST Share – Project Cost Share (a cost of more than \$5 million is permitted for qualified projects per S&H Code Section 2454 (h) for multi-year funding)*

*Formula For Crossing Nominated For Separation Or Elimination:*

**AH** – Accident History

**BD** – Crossing Blocking Delay

**VS** – Vehicular Speed Limit

**RS** – Rail Speed Limit

**CG** – Crossing Geometrics

**PT** – Passenger trains

**SCF** - Special Conditions Factor

**OF**-Other Factors (Passenger Buses, School Buses, Hazmat Trains/Trucks, Community Impact)

*\*Formula For Existing Separations Nominated For Alteration or Reconstruction:*

**WC** – Width Clearance

**HC**-Height Clearance

**SR** – Speed Reduction

**AS** – Accidents Near Structure

**POF** – Probability of Failure

**AP** – Accident Potential

**DE** – Delay Effects

**SF** - Separation Factor

**(END OF APPENDIX B)**